

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

ROBERT J. TROISE,

Plaintiff,

v.

SHARA FLAKE, *et al.*,

Defendants.

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Civil Action No. 7:20-cv-00095-O-BP

FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

On August 27, 2020, the undersigned entered findings, conclusions, and a recommendation that Plaintiff's Application to Proceed in District Court without Prepaying Fees or Costs (ECF No. 4) be denied and the case dismissed unless Plaintiff paid the filing fee. On September 11, 2020, United States District Judge Reed O'Connor entered his Order Accepting Findings, Conclusions, and Recommendation of the United States Magistrate Judge (ECF No. 7), denied Plaintiff's Application, and ordered him to pay the \$400.00 filing fee on or before September 18, 2020. Judge O'Connor warned plaintiff that "[f]ailure to pay the filing fee may result in dismissal without prejudice." *Id.*

Plaintiff has failed to pay the filing fee as Judge O'Connor ordered. Accordingly, the undersigned **RECOMMENDS** that Judge O'Connor **DISMISS** this case **without prejudice** pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and comply with the Court's order.

A copy of these findings, conclusions, and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of these findings, conclusions, and recommendation must file specific written objections within 14 days after being served with

a copy. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b)(1). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's findings, conclusions, and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).

SIGNED October 23, 2020.



Hal R. Ray, Jr.
UNITED STATES MAGISTRATE JUDGE